

Zoning Board of Appeals Decisions Decisions for: 06-05-2014

[Close Window](#)

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

SPECIAL PERMIT NO: 34-14

APPLICANT: TRUSTEES, DILLINGHAM PLACE TRUST

OWNER: Dillingham Place Condo Trust (Wise Living at Falmouth, LLC)

DEED/CERTIFICATE: 174643 – Lot 92, Plan 18441-V

SUBJECT PROPERTY: 110 Dillingham Avenue, Falmouth, MA
Map 38, Section 10, Parcel 023A, Lot 092

Under a date of March 11, 2014 the applicant applied to the Zoning Board of Appeals for a Modification of Comprehensive Permit #37-03 pursuant to 760 CMR 56.05 (11) (c) to request reduction of the minimum age of residency from 62 to 55 years of age for condominium development located at 110 Dillingham Avenue, Falmouth, Massachusetts.

A public hearing was held on June 5, 2014. Notice was duly given as required by Section 11 of Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing, at the Board's discretion, relevant and appropriate testimony was heard.

Board Members sitting: Chairman David Haddad, Vice Chairman Kenneth Foreman, Clerk Scott Zylinski, Member Matthew McNamara and Member Patricia Johnson

Clerk Zylinski read the Notice of Public Hearing into the record.

Attorney James Morse was present on behalf of the Dillingham Place Trust and informed the Board that the proposed amendment to reduce the age for residency to the Master Deed and Rules failed to receive the required number of unit owner's approval and therefore would like to withdraw the application without prejudice.

Member Zylinski made a motion to allow the application to be withdrawn without prejudice. Member Foreman seconded the motion. Motion carried 5 – 0.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals (herein referred to as Board) being of the opinion aforesaid and acting under the provisions of the Code of Falmouth voted 5 – 0 to allow the Trustees of Dillingham Place Trust (herein referred to as Applicant) to withdraw the application without prejudice.

Decision of the Falmouth Zoning Board of Appeals Continued:

Modification of
Comprehensive Permit Number: 37-03 - Modification #34-14

Applicant: Trustees, Dillingham Place Trust

Subject Property: 110 Dillingham Avenue, Falmouth, MA
Map 38, Section 10, Parcel 023A, Lot 092

Action: The Board of Appeals, by the signature below, being present, certifies the vote of the Board as

follows for the above referenced:

Vote: 5 – 0 to allow the application to be Withdrawn Without Prejudice as requested by Applicant.

David Haddad, Board Chairman

Date Filed With Town Clerk

Notice is hereby given that any appeal from this Decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Falmouth Town Clerk.

Notes:

CP 34-14 to mod CP 37-13 Dillingham Place Trust / 110 Dillingham Ave / Withdrawn Without Prejudice posted to web 6/17/14 mm